

REMARKS

In accordance with 37 C.F.R. § 1.114, Applicants respectfully request reconsideration, in light of the claim amendments presented above and the following remarks, of the claim rejections set forth in the final Office Action dated March 1, 2010 (the “Office Action”).

I. Restriction Requirement

Claims 2-5, 9 and 13-18 are drawn to an invention nonelected with traverse in the response dated January 16, 2009. In response to the final rejection in the Office Action, nonelected claims 2-5, 9 and 13-18 have been cancelled. Applicants reserve the right of rejoinder of nonelected claims 2-5, 9 and 13-18 upon the allowance of generic claims 1 and 12.

II. Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 6, 10-12, 19 and 20 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Fujita (U.S. Patent No. 4,447,041) in view of Rapp (U.S. Patent No. 3,378,231).

A. Independent Claim 1

Independent claim 1 recites a lifting device that includes a lifting linkage that has at least two sub-linkages connected to one another via a central articulation and a drive unit that is operable to act on the central articulation. One of the at least two sub-linkages is rotatably connected to the base plate by front scissors feet, and “the drive unit is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central articulation.”

Fujita does not disclose a drive unit that “is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central articulation,” as recited in independent claim 1. As shown in Figure 1, Fujita discloses a lifting device that includes a rectangular frame 1. *See*, col. 2, lines 20-22. The frame 1 has a rear wall 16 formed with inwardly projecting brackets 17, and a pair of arms 3 pivotally movable in a vertical plane are pivoted at lower ends of the pair of arms 3 to the brackets 17. *See*, col. 2, lines 31-34. Each of shiftable arms 4 intersects at its midportion, the midportion of the corresponding arm 3; the arms 3 and 4 are connected together by a pivot 21 at the intersection. *See*, col. 2, lines 35-39. A support piece 32 downwardly extends from each of the pivotable arms 3 approximately midway between the pivot 21 and the lower end of the arm 3. A hydraulic assembly 6 fixedly mounted on the frame 1 and positioned close to the rear wall 16 is coupled to the support pieces 32. *See*, col. 2, lines 52-57. Fujita discloses a hydraulic assembly 6 that is arranged between the pivot 21 at the intersection of the arms 3, 4 and the inwardly projecting brackets 17, on which the pair of arms 3 are pivoted. Fujita does not disclose a drive unit that “is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central articulation,” as recited in independent claim 1. Rapp fails to fill the gaps.

Rapp also does not disclose a drive unit that “is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central articulation,” as recited in independent claim 1. As shown in Figure 1, Rapp discloses a jack that includes a frame 10 with scissor link means 11, which selectively raises a lift platform 12 through the use of fluid pressure actuators 13. *See*, col. 3, lines 1-6. The scissor link means 11 includes four first elongated links 19 that are each pivotally connected to the frame

10 at first ends of the links 19. *See*, col. 3, lines 19-22. The scissor link means 11 also includes a set of second elongate links 23. The links 19 and the links 23 are swingably secured at their respective center portions using an axle bolt 24 extending through all eight links. *See*, col. 3, lines 26-30. Second ends of the links 23 are swingably connected to an axle 30 that travels along channel member rails 16 of the frame 10. Piston rods 33 of the actuators 13 have holes in their extreme ends, through which the axle 30 is received. *See*, col. 3, lines 46-53. Rapp discloses fluid pressure actuators 13 that are arranged in a plane through the axis of the axle 30 and second ends of the links 19. Rapp does not disclose fluid pressure actuators 13 that are arranged in a plane through an axis of rotation of the first ends of the links 19, and first ends of the links 23. Accordingly, Rapp does not disclose a drive unit that “is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central articulation,” as recited in independent claim 1.

Accordingly, the combination of Fujita and Rapp fails to disclose a drive unit that “is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central articulation” because none of the cited references disclose the claimed subject matter. Therefore, independent claim 1 is allowable over the cited references because Fujita and Rapp, either alone or in combination, fail to disclose the claimed subject matter.

Claims 6 and 11 depend, either directly or indirectly, from allowable independent claim 1 and are allowable for at least this reason. Dependent claim 10 was cancelled.

B. Independent Claim 12

Independent claim 12 recites a drive unit that “is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central

articulation.” As discussed above, Fujita and Rapp both fail to disclose a drive unit that “is arranged between the front scissors feet in a plane through an axis of rotation of the front scissors feet and the central articulation.” Therefore, independent claim 12 is allowable over the cited references.

Claim 20 and new claim 21 depend, either directly or indirectly, from allowable independent claim 12 and are allowable for at least this reason. Dependent claim 19 was cancelled.

III. New Claim

Dependent claim 21 is new. No new matter is added. The subject matter in new dependent claim 21 is supported in at least paragraph [0019] of the originally filed specification.

Conclusion

For at least the reasons presented above, the Applicants respectfully submit that the pending claims are in condition for allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

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Craig A Summerfield
Registration No. 37,947
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200